

REMARKS

Claims 6-17 remain pending in the application.

Claim 6 has been amended to add the limitation "the variation in the space between said first and second blade edges providing a sequential series of point contacts forming a curved line between said first and second blade edges and a sheet of brittle material disposed between said first and second blade edges".

Support for the amendment may be found in the specification on page 7, paragraph 1. Accordingly, entry of the amendment is respectfully requested.

The Examiner rejected claims 6, 8, 9, 11, 12, 14, 15 and 17 under 35 U.S.C. 103(a) as being obvious over Bohland in view of Sylvester. This rejection is respectfully traversed. Reconsideration of the application in view of the following remarks is requested.

Applicant's corner cutter cuts sheets of brittle material along a curved line, in a progressive manner, one point at a time, to form a curve. As recited in claim 6, the variation in the space between the first and second blade edges provides greatest pressure at the contact edges of the first and second arcuate blade edges and a sheet of brittle material disposed between the first and second arcuate blade edges as the first and second arcuate blade edges are brought to the closed position. That is, there is greatest pressure at the contact points of the arcuate blade edges with a sheet of brittle material to form a curved line between the first and second blade edges and a sheet of brittle material disposed between the first and second blade edges as the jaws are brought to the closed position. Thus, applicant's corner cutter is used for a sequential cutting or crushing operation.

In contrast, as set forth in Claims 1 and 2, Bohland's glass nipping pliers have one fixed, flat-faced jaw and a second floating jaw, the floating jaw having an inner face disposed at an outwardly converging angle relative to the flat inner face of the fixed jaw when the pliers are in nipping engagement with a pane of glass, and the floating jaw is free for pivotal movement to bring the outer edge thereof into *full bearing engagement with the pane* to provide a nipping fulcrum therefor, and to urge the pane toward full bearing relation with the flat inner face of the fixed jaw.

Thus, Bohland does not disclose or suggest a sequential cutting operation. Nor does Sylvester, alone or in combination with Bohland, overcome such a defect. Sylvester's cutting mechanism is not intended to cut brittle material, but rather relatively soft, malleable materials such as wires or, nails, etc. Structurally and functionally, Sylvester's cutting mechanism is not meant to cut a curve in brittle material. For these reasons, claims 6-17 are not obvious over Bohland in view of Sylvester.

Claim 7 was rejected under 35 U.S.C. 103(a) as obvious over Bohland in view of Sylvester and further in view of Atkeson. Claim 10 was rejected under 35 U.S.C. 103(a) as obvious over Bohland in view of Sylvester and further in view of Schwartz. Claim 13 was rejected under 35 U.S.C. 103(a) as obvious over Bohland in view of Sylvester and further in view of Berg. Claim 16 was rejected under 35 U.S.C. 103(a) as obvious over Bohland in view of Sylvester and further in view of Price.

At the outset, it is apparent that the shortcomings of the primary Bohland and Sylvester references are necessarily inherent in the further joint consideration of Bohland/Sylvester in view of the secondary references. The combination of any one or all of Atkeson, Schwartz, Berg, or Price with Bohland and Sylvester would not provide the requisite teaching or suggestion to one skilled in the art required to produce applicant's corner cutter.

Atkeson's cutting tool does not cut a curve but rather a straight line. Atkeson teaches breaking glass along a score line perpendicular to the pivot axis. Additionally, the jaws of the Atkeson tool never coact to form opposed cutting edges, and there is a space in the upper jaw for displacement of the broken glass segments.

Berg and Schwartz are not relevant as they are non-analogous art. Schwartz is drawn to a nail cutter/clipper for treating ingrown nails and hang nails, which has a very different structure with flat contact points. Berg is directed to a hand tool for cutting and forming esthetic ends on decorative molding. Neither reference cuts brittle material, such as glass, along a curve.

Price's devices for trimming finger nails does not nip sequentially. The curved edges of the

device contact all along the line of cutting edge curved to follow the shape of the finger nail. Additionally, there is no space between the cutting jaws in the closed position.

Furthermore, the patentability of the subject matter of dependent claims necessarily must hinge upon the patentability of the independent claim from which it depends. As independent claim 6, as amended, is believed to be directed to a novel corner cutter, it is also believed that dependent claims 7-17 are also novel and non-obvious. Accordingly, reconsideration and withdrawal of the present rejections are respectfully requested. Claims 10, 13, 14, and 17 were rejected under 35 U.S.C.103(a) as being unpatentable over Bohland/Sylvester in view of additional references. These claims ultimately depend from claim 6. Since claim 6, as set forth above, has been shown to overcome rejection based upon Bohland/Sylvester, claims 7, 10, 13, and 16 are accordingly not obvious in view of Bohland/Sylvester.

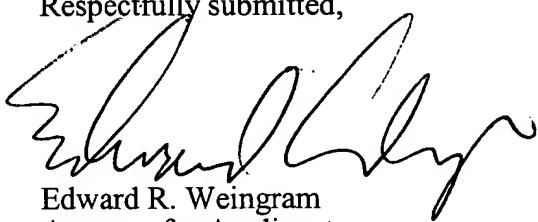
Conclusion

None of the references taken either singularly or in combination show or suggest a device for cutting brittle materials which has opposed arcuately shaped blade edges that have opposing movement between an opened and closed position in which the distance between the opposed sections of the blade edges varies along the blade edges when the blade edges are in a closed position, and wherein the variation in the space between said first and second blade edges providing greatest pressure at the contact edges of said first and second arcuate blade edges and a sheet of brittle material disposed between said first and second arcuate blade edges as said first and second arcuate blade edges are brought to the closed position.

Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

In view of the foregoing Amendments and the Remarks in support thereof, it is respectfully submitted that this case is in condition for allowance. Favorable action on the merits, including entry of all requested amendments and allowance of all claims is respectfully solicited.

Respectfully submitted,



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